

Licensing Sub Committee of Corporate Services Committee
27 November 2006

IRVINE, 27 November 2006 - At a Meeting of the Licensing Sub Committee of Corporate Services Committee of North Ayrshire Council at 2.00 p.m.

Present

David Munn, John Moffat, Gordon Clarkson, Jane Gorman, Alan Munro, and Ian Richardson.

In Attendance

A. Fraser, Manager Legal Services, N. Alexander, Chief Legal Officer (Licensing and District Court), A. Toal, Clerical Officer and G. Cullen, Administrative Assistant (Legal and Protective); and M. McKeown, Corporate Support Officer (Chief Executive's).

Chair

Councillor Munn in the Chair.

Apologies for Absence

Elizabeth McLardy, Robert Rae, and Donald Reid.

1. Civic Government (Scotland) Act 1982: Taxi Stances: Bank Street, Irvine

Submitted report by the Assistant Chief Executive (Legal and Protective) on the proposed relocation of the taxi rank within Bank Street, Irvine.

At its meeting held on 7 August 2006, the Sub Committee noted that the Irvine, Kilwinning, Dreghorn and Springside Area Committee had agreed in June 2006 to approve the terms of the North Ayrshire, High Street, Irvine (Traffic Management No 2) Order. The Sub Committee agreed to implement the procedures to relocate the taxi stance on Bank Street, Irvine, in line with the Traffic Management Order.

The Chief Constable of Strathclyde Police was consulted on the proposals and has advised that he has no objections. In addition a Public Notice was placed in the local press seeking objections and/or other representations from members of the public. 4 representations were received, the terms of which were set out in the report.

The Sub Committee, having considered the terms of the representations, agreed to approve the proposals to relocate the taxi stance on Bank Street, Irvine, as set out in the report.

2. Exclusion of Public

The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraphs 6, 13 and 14 of Schedule 7A of the Act.

3. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Assistant Chief Executive (Legal and Protective) on (a) applications for the grant or renewal of licences; and (b) Hearings which required to be determined by the Sub Committee.

The Sub Committee agreed to dispose of these matters as indicated in the attached Appendix LS1.

The meeting ended at 3.45 p.m.

PART A

Applications for Licences/Renewal of Licences/Permits

Taxi Driver Licences

1. TDL/840 (Renewal) Ian Roderickson

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. TDL/963 (Renewal) Ian MacLauchlan

The Sub Committee unanimously agreed that the Chief Legal Officer (Licensing and District Court) (a) grant the application under delegated powers if the applicant successfully completes a medical before 29 December 2006; and (b) otherwise make a summary application to the Sheriff in terms of Section 3 (2) of the Civic Government (Scotland) Act 1982, to extend the period prescribed in Section 3 (1) of the Act for the determination of applications.

3. TDL/1002 (New) Paul Murphy

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4. TDL/1308 (New) Keith Mackie

The Sub Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5. TDL/1306 (New) Steven Johnstone

The Sub Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

6. TDL/1310 (New) Brian Smith

The Sub Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

7. TDL/1312 (New) Stephen Shaw

The Sub Committee unanimously agreed to grant the application subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

8. SHDL/112 (New) George Rolinson

The Sub Committee unanimously agreed, on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

9. CMORO/010 (Renewal) Jack Peters

The Sub Committee unanimously agreed (a) that the Chief Legal Officer (Licensing and District Court) grant the application under delegated powers, subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982, if the issues raised by Strathclyde Fire and Rescue are resolved satisfactorily; and (b) otherwise to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART B

Hearings

1. TDL/613 David Andrew Kirk

The Sub Committee at its meeting held on 9 October 2006, unanimously agreed, on the basis of the information before it, to hold a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present at the Hearing and was represented. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter, the licence holder and his representative addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing, to allow the Sub Committee to deliberate. The licence holder and his representative returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed, on the basis of the information before it, to take no action to suspend the licence in terms of Paragraph 11 (1) of Schedule 1 of the Civic Government (Scotland) Act 1982.

2. PHCL/118 Deborah Ann Russell

The Sub Committee at its meeting held on 19 September 2006 unanimously agreed to make a summary application to the Sheriff in terms of Section 3 (2) of the Civic Government (Scotland) Act 1982, to extend the period prescribed in Section 3 (1) of the Act for the determination of applications, and to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been cited to attend was not present at the hearing but was represented. Written submissions were also received from the applicant.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter, the applicant's representative addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing to allow the Sub Committee to deliberate. The applicant's representative returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed to grant the licence subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.

3. PHCL/150 Deborah Ann Russell

The Sub Committee at its meeting held on 9 October 2006, unanimously agreed, on the basis of the information before it, to hold a suspension hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder having been cited to attend was not present at the hearing but was represented. Written submissions were also received from the licence holder.

The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the licence holder. Thereafter, the licence holder's representative addressed the Sub Committee on the issues raised, and responded to questions, before withdrawing to allow the Sub Committee to deliberate. The licence holder's representative returned to hear the Sub Committee's decision.

Decision

The Sub Committee unanimously agreed (a) to suspend the licence on the grounds set out in Paragraph 11 (2) (d) of Schedule 1 of the Civic Government (Scotland) Act 1982, that a condition of the licence had been contravened; and (b) in terms of Paragraph 11 (11) of the said Schedule, that the period of suspension should be the unexpired portion of the duration of the licence.

4. PEL/067 North Ayrshire Council Educational Services

The Sub Committee at its meeting held on 6 November 2006, unanimously agreed, on the basis of the information before it, to hold a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant having been duly cited to attend, were represented at the Hearing. The Chief Legal Officer (Licensing and District Court) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant's representative addressed the Sub Committee on the issues raised, and responded to questions.

Decision

The Sub Committee unanimously agreed to grant the licence subject to conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982.